

REMARKS

In the Office Action, claims 1-4 are rejected for alleged grounds of non-statutory obviousness-type double patenting in view of U.S. Patent No. 7,074,741 ("Sugita") and further in view of Japanese Patent Publication No. 03-162991 ("Hirota"), Japanese Patent Publication No. 05-330257 ("Mori"), Japanese Patent Publication No. 09-234963 ("Josa"), or Japanese Publication No. 10-157310 ("Simpson"). At the outset, Applicants do not believe that the Patent Office has provided a sufficient motivation in the cited art for combining such teachings. Indeed, the primary Sugita reference is directed to sublimation transfer recording media that employ a block copolymer silicone resin as indicated by the Patent Office on page 2. Further, the Patent Office has relied on the secondary references for the alleged teachings regarding a sublimation transfer recording medium that employs a phenoxy resin. However, nowhere do the cited references provide sufficient motivation to combine a phenoxy resin and a block copolymer silicone resin. What the Patent Office appears to have done is to rely on hindsight reasoning in attempting to cover the claimed invention. Moreover, the primary Sugita reference can be antedated, and thus, precluded as prior art, based on the priority Japanese Patent Application filing date associated with the present application. At least for these reasons, Applicants believe that the obviousness-type double patenting rejection should be withdrawn.

In the Office Action, claims 1-4 are rejected for alleged obviousness reasons in view of Sugita or Japanese Patent Publication No. 297123 ("Yokoyama") and further in view of Hirota, Mori, Josa, or Simpson. As previously indicated, the Patent Office has relied on the primary references as directed to sublimation transfer recording media that employ a block copolymer silicone resin in the dye transfer layer. The secondary references are then relied on for the alleged teachings regarding a sublimation transfer recording medium that employ a phenoxy resin in the dye transfer layer. However, Applicants do not believe that the Patent Office has provided sufficient motivation in the cited art to combine the block copolymer silicone resin and phenoxy resin teachings as alleged. Again, the Patent Office has appeared to improperly rely on hindsight analysis in its attempt to cover the claimed invention. Indeed, Applicants have demonstrated (see, for example, Table 2) the beneficial effects of combining a block copolymer silicone resin and a phenoxy resin in the thermal transfer dialayer, where nowhere does the cited art recognize such benefit as further defined in newly added claims 5 and 6. Moreover,

Applicants believe that the Sugita reference can be precluded as prior art based on the filing date of the priority Japanese Patent Application associated with the present case as previously discussed. Therefore, Applicants believe that the alleged obviousness rejection should be withdrawn for at least these reasons.


Accordingly, Applicants believe that the present application is in condition for allowance and earnestly solicit reconsideration of same.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

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